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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JORGE FERNANDEZ a.k.a.
JORGE MACHADO,

Petitioner,

v.

LAURIE SMITH, et al.,

Respondents.

Case No. 2:22-cv-07952-JWH-KES

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (Dkt. 1), the
2 other records on file herein, and the Report and Recommendation of the United
3 States Magistrate Judge (Dkt. 10). No objections to the Report and
4 Recommendation were filed, and the deadline for filing such objections has
5 passed.¹ The Court **ACCEPTS** the report, findings, and recommendations of the
6 Magistrate Judge.

7 For completeness, the Court notes that, to the extent THAT Petitioner
8 intended to raise an ineffective assistance of trial counsel claim (see Dkt. 1 at 78-79
9 & 135-36) and an Eighth Amendment cruel and unusual punishment claim (see
10 Dkt. 1 at 110-17 & 158-61), the state courts' rejection of these claims was not
11 contrary to, or an unreasonable application of, clearly established federal law. (See
12 Dkt. 7-17 at 16 n.12 & 24 n.14). Accordingly, even considering those claims,
13 Petitioner is not entitled to federal habeas relief.

14 It is therefore **ORDERED** that Judgment be entered **DENYING** the Petition
15 **with prejudice.**

16 **IT IS SO ORDERED.**

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18 DATED: June 5, 2023

19 
20 JOHN W. HOLCOMB
21 UNITED STATES DISTRICT JUDGE
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25 ¹ On April 3, 2023, Petitioner filed copies of some pages of the Petition and
26 the complete Report and Recommendation (Dkt. 14), but his filing did not
27 communicate any objections. To the extent that Petitioner intended that filing to
28 constitute objections to the Report and Recommendation, the Court has considered
it in its entirety.